

THE  
CASE  
OF  
USURY

Further Debated,

In a Lettter to the Author of

USURY STATED.

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~~REPRODUCED FROM THE~~

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L O N D O N;

Printed by J. D. for Jonathan Robinson, at the  
Golden Lion in St. Paul's Church-yard, 1684.

THE  
CASE  
OF  
SUN  
IN A COURT OF  
LAW  
AND  
EQUITY  
STATED

1784

LONDON

Printed by J. D. for Thomas Dobson at the  
Golden Lion in St. Paul's Church-yard 1784

THE CASE OF USURY  
The Case of Usury further debated.

SIR,

I Perceive by your *Preface*, that you do very well approve of a *modest Inquiry* concerning making Gain of Loan, whether, and how far it may be lawful: which being so requisite to divers good Ends and Purposes you do instance in, I hope, as I do not condemn your Design, so you will incline to judg as favourably of mine, which is, *That there may be yet some further Inquiry made into this Subject.*

You say, *The Practice thereof hath gotten an ill Name, and you think there is ground enough to fear that there are divers found no Strangers to the Practice, who do it with a doubting Conscience, as not fully satisfied in the Lawfulness of the thing practis'd.* In order to whose Satisfaction (as also for the vindicating of many sober and consciencious Christians from the Aspersions they lie under upon this score) you have called in the help of several modern learned Writers, to make it appear that what you plead for, is neither so strange nor uncouth as some would obtrude upon the W<sup>or</sup>ld's belief, and that (as the Roman Orator observed) *it often comes to pass, that what was generally counted disgraceful, may in time be found not to be so:* which Observation you mention again in Page 119, altho it seems to imply a kind of tacit Acknowledgment, that Usury has been generally accounted disgraceful heretofore. But for my part I have no design to cast any disgrace upon it; I judg as honourably of those who are for the lawfulness of it, as of those

those who are against it. There are and have been eminent Men for Learning and Piety of both *Perfwasions*. I am as great an Enemy as your self can be to all kind of Uncharitable Aspersions; and therefore shall not undertake the least Defence of them; but do wish the late Author of *The Usurer cast*, and all those who either write or discourse at that rate, would better examine their Zeal; and not suffer it to break forth into such high and unaccountable Strains. Yea indeed I think there was very great reason to let such Persons understand that they are over-hasty in passing such Judgment on their Brethren, who do only differ from them in so disputable a matter. But forasmuch as it is doubtful to many, and does yet remain still so to me, notwithstanding your Reply to the foresaid Author, and the *Animadversions* adjoyned, I conceive it will not be improper to make an Attempt, whether there may not be some further Satisfaction given to it.

And in order hereunto, I shall first of all take notice, that in Page 2. you cite the *pious and learned Vines* instancing in Usury, as that *which is indeed very doubtful whether it be manifestly a Sin or no*: and hereupon I find in his Treatise on the Lord's Supper, he concludes that this is not a sufficient ground to debar any Person from the Communion of the Church. I am altogether of the same Opinion; but if it be *very doubtful whether it be a Sin or no*, I think it is the safest way not to meddle with it.

You cite Mr. *Dixon* (Pag. 5.) declaring his Opinion on Psal. 15. 5. *That there was a judicial dispensing with Commodity put upon the Jews in divers Cases, whereof this was one, that they should not take Usury of a Jew, but of other Country-men they might.* They might indeed from a Stranger, Deut. 23. 20. *Unto a Stranger thou mayst lend upon Usury*: but it does not certainly follow from thence, that we may lend upon Usury one to another. Those accursed Nations who were devoted to Destruction, are called *Strangers* in the same Book of Deut. and



and there are divers Persons of great Eminency, if not the greater number of Expositors, who understand that place to be meant of such Strangers only. Arguments are offered on both hands, but they do not conclude certainly either one way or the other. Since then there is no manifest Evidence that the word *Stranger* in *Deut. 23. 20.* takes in all others besides the Jews, a Man may have reason to be afraid of meddling with Usury, notwithstanding all the Probabilities produced for your Interpretation of that place. Yea this Opinion, *That the Law against Usury concerned the Jews only*, whatever Probabilities it has to plead for it, yet was not, I am apt to think, the Opinion of our late Assembly of Divines (whom your self, I believe, bear a high regard to the Memory of, whatever others say of them) for I find in their *larger Catechism* they have reckon'd in Usury among those other Sins forbidden in the 8th Commandment, and they prove it from *Psal. 15. 5.* *He that putteth not out his Money to Usury, &c.* the very same Text which you observe to be the groundwork of Mr. J's Discourse. But if it were granted that the word *Stranger* extends to all others besides the Jews, yet how doth it appear to be any more than a *Toleration*, or a Permission of *Fact*, not of *Right*. And to this Construction the Annotations commonly called, *The Assemblies Annotations*, do incline, as you may see on *Deut. 23. 20.* [unto a Stranger] *This was permitted for a time, partly for the Hardness of their Hearts, as Bills of Divorce.* And in the same Volume of Annotations on *Psal. 15. 5.* [He that putteth not out his Money to Usury] you have these Words, *To one that was a Stranger they might put Money to use, that was permitted: What from hence may be gathered, or whether any thing at all to make it lawful among Christians, those that have written of this Controversy at large may be consulted.* Thus you may see this matter is not put out of doubt so plainly, as to encourage any one to build much upon it. I shall add hereunto, that the Usury  
which

which God's Law condemned, does in the Original signify *biting*, as all do grant : from whence, tho I do not plead that it certainly follows, yet at least it may seem to some the more probable, that the Usury there forbidden was an Oppression : and if so, that then it does concern us now.

As to the distinction between *Interest* and *Usury*, which you call a *Nicety*, pag.7. it may possibly seem so to you : but the distinction is solid and rational enough in the Judgment of many worthy *Casuists*, the one being an overplus for Money *lent*, (which Act of *lending*, they plead to be in its own nature a *liberal* Act, and consequently that it is a perverting thereof to make it *mercenary*) and the other for Money unduly detained against a Man's Will to his Damage. You produce *Grotius* arguing against this Distinction thus, *That then it shall be lawful thus to covenant, unless you repay within three days, you shall give so much for delay.* But this I conceive will not invalidate the Distinction ; for they who condemn Usury, do say, If a Man do lend only for three days in pretence to one with whom he intends to leave it longer, and shall then take Profit for the Borrowers keeping of it all the rest of the time beyond those three days, he does but trifle indeed, and impose on his own Conscience, which is privy to what he did secretly mean and intend ; and in so doing he is as truly a Usurer as if there were no such pretence made.

As for the *Definitions* of Usury, which you represent as very various ; some placing it in *exacting* Gain, others in the *Compact* or *Covenant*, and he whom you reply to in the *Expectation*, which you seem to wonder at most, *Pag. 9.* they do all come much to one and the same, according to the common and usual Definition of Usury, *sc. pactum ex mutuo Lucrum*, *Covenanting for Gain upon the account of Loan.* Which Covenant may be either exprest or implied. And this latter way of covenanting may help you to the meaning of those Words [*expected, or intended*] which you say you understand not,

Pag. 11. as also the *taking* what is not *exacted*, but only *expected*, whereat you seem greatly amus'd, Pag. 137. When 'tis well known, and taken for granted by both Parties, that something over and above the Money lent is *expected* or *intended* in consideration of the Loan, tho it be not *actually expressed*, this is an *implicit Covenant*. Mr. Fenton expresseth this Distinction thus, *There is mental and actual Usury*; the first consisteth only in the Intention of the Heart, for he that doth not indent either by Word or Deed, yet if any hope or expectation of Gain was to him a Motive of lending, that Man in the Court of Conscience standeth guilty of this Sin before God; as he that locketh on a Woman to lust after her, commiteth Adultery with her in his Heart. And so Mr. Wilson states it in these Words, *As the very desire and expectation of Gain for lending only, is mental and intentional Usury*; so the imposing, or by Covenant beforehand agreeing for Increase above the Principal, is of the nature of *actual Usury*. After the same manner Mr. Greenhill states it in his Exposition on Ezek. 18. 8. and cites these Words of St. Austin for it, *Si plus quàm dedisti expectas accipere, facinator es*. 'Twould be almost endless to quote Authors to this purpose; I will therefore instance but in one more, and that is the learned Ames, whom you have your self referr'd to in divers places of your Book; and 'tis somewhat strange methinks that you should overlook the very Definition he gives of Usury, which is, *Lucrum ex mutuo quæsitum vi ipsius mutui*: which word *quæsitum* he explains thus, *Quæsitum dicitur hoc lucrum, non Conventum*; quia non tantum usura realis, in qua pactum intercedit, sed & mentalis quæ versatur in Intentione Lucrum ut debitum ex mutuo acquirendi, istâ Descriptione contineatur. He tells you also that those words, *vi ipsius mutui*, are added to distinguish Usury from Interest. To this Head may be referr'd what you say, Pag. 133. when Mr. J. pleads that the taking of a Gift for Loan is Usury, if the Gift were intended or expected; you reply, *Let Reason judg, where it is*  
sinful

*sinful to expect a Gift, is it not sinful also to receive it?* I do not see how it is at all contrary to Reason, that a Man may warrantably receive what he ought not to expect. I lend my Money freely, as a pure act of Love and Kindness, expecting nothing for the Loan: If he that has borrow'd it, will of his own Ingenuity and Gratitude, put me upon receiving some Gift from him which I did not look for, the Case is different from what it would have been, if I had look'd for it, and from the hopes thereof had been influenced to lend him this Money. And to this purpose I shall observe to you what Ames hath determin'd concerning *Simony*, which may give some light to the present Case; *Non est Simonia, quando ex merâ Gratitude, sine ullo pacto expresso, vel tacito, directè vel indirectè, aliquid datur. At intentio ipsa istiusmodi donationum aut receptionum, quamvis in alterâ solâ parte consistat, est gradus quidam hujus peccati, atq; aded non malè vocatur Simonia Mentalis, & à nonnullis confidentialis, prout distinguitur à conventionali & reali.* You see then the learned Ames did judg a Man may without the Guilt of *Simony*, receive what it would have been *Simony* in him to expect. So they who hold it Usury to expect a Gift for Loan, count it not so to receive it afterwards if it come unexpected.

*Adventuring* is easily enough distinguishable from *Usury*, tho you seem very loth to acknowledg it; and supposing the Consideration for it be moderate and proportionable to the hazard, it has never I think been condemn'd by any judicious and considering Person; being a Co-partnership with another that adventures upon the like hazard with himself of the Ships miscarrying: If the Ship be lost, all is lost. So say you, *The Lenders Principal is lost if the Debtor break.* But is this the like hazard with the former? The hazard you mention of the *Person's breaking*, is in this case of Adventure too, besides the hazard of the Ship's return: for the Man who is intrusted with the Money that is adventur'd, may  
break,

break, and sometimes does. But the Profit received upon the Ship's return is not in Consideration of that hazard of the Man's breaking, but of the known hazard to which the Ship is expos'd, and the proportionable Returns the Ship is like to make if it comes home safe. There is some Uncertainty in all worldly things: but they who lend upon Use, do take care to secure their Money *absolutely*, either by having Land bound for it, or by some collateral personal Security, or both. They may be sometimes mistaken when they think it very sure, and there is no worldly thing whatever but is liable to some Casualty. It may suffice to this purpose, that the Usurer means no other than to place it in good and sufficient and sure Hands: 'Twere not free from all Casualty, if he did chuse to keep it in his own.

You say further, *Pag. 17.* or rather quote *Rivet* for it, ' That what is cited out of *Aristotle, Cicero, Plutarch, &c.* against Usury, respects not so much what is intrinsecal, as what is accidental, and commonly attends it. The like may be said of the Expressions of the Fathers which are very bitter against Usury, they had respect to that Usury which prevailed too much in all Ages against Equity, Honesty, Charity and Faithfulness; as *Chrysostom* upon *Matthew* said, ' There was nothing more cruel, nothing more shameful than the Usury of his Time: but it follows not that they understood it of all Usury, &c. Did those learned Men and Fathers themselves make any Distinction, and say, They meant what they spake of *some Usurers only*? If not, 'tis but according to the most usual and ordinary way of Construction to understand them of *Usury in common*; and to suppose the contrary, seems very precarious: And so does your following Exposition of the Sayings of the Heathens that are so rigid against Usury, *Pag. 18.* You find, you say, in *Seneca*, a general Rule for the right understanding of such like Passages, *sc.* ' *Some things* are commanded beyond measure, that they may

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‘return to their proper and right measure, &c. And as  
 ‘often as there is little Confidence in those things thou re-  
 ‘quirest, more must be enjoined than is sufficient; that what  
 ‘is sufficient may be performed, &c. This general Rule you  
 have found out would do special Service, if it were applied  
 to all those Purposes to which it is applicable, as to this of  
 Usury.

The next thing I shall observe to you is, your appealing  
 to godly Perkins, Pag. 26. and Pag. 203. ‘*Hear blessed Calvin,*  
 ‘*and let Grotius moderate between us,* Pag. 143. What if he that  
 ‘writes against Usury should say, *I appeal to godly Bolton, or*  
 ‘*hear blessed Bishop Jewel, or let Bishop Sanderfon moderate be-*  
 ‘*tween us;* would you take those to be Arbitrators in this  
 ‘case? And whereas you add further, ‘That you dare a-  
 ‘vouch such as having Wealth in their Coffers, and there let  
 ‘it lie idle, having fair and honest Opportunities to bring the  
 ‘same forth, are none of the best Members in the Common-  
 ‘wealth, Pag. 33. I know no Man will gain-say you; you  
 need not doubt of being positive in this. But in another  
 place, methinks *your positive Conclusion* may admit of some De-  
 mur. Sc. Pag. 92. ‘What Mr. J. saith, &c. avails nothing;  
 ‘for upon Supposition that the Law it self [*sc.* against Usu-  
 ‘ry] be not political and proper to the Jews, but universal,  
 ‘and in its full force unto this day; I say, that Usury in Scrip-  
 ‘ture is forbidden only with respect to the Poor. I see you  
 are resolv’d to carry the Cause one way or other. If  
 one Interpretation will not hold, this other shall. But be-  
 fore I make any Reply to that, it may not be amiss to take  
 notice of those manifold Expositions you produce of that  
 Text, Luke 6. 35. *Lend, hoping for nothing again.* First, that  
 it may be understood of *free giving*: And to strengthen this  
 Opinion, you compare Psal. 37. 21. *The Righteous sheweth*  
*Mercy, and giveth;* with ver. 26. *He is ever merciful, and lend-*  
*eth:* both which you think to be one and the same, and that  
free



*free giving* is called *lending*, because of the Retribution that God shall make unto those, who thus communicate their Goods : for we learn from *Prov. 19. 17.* that, *He that giveth to the Poor, lendeth to the Lord.* Secondly, *Hoping for nothing again : i. e.* tho you have little reason to hope for the Principal, because of the Poverty of the Debtor, whose Necessity may require that we lend to him, tho we have just cause to doubt he will not be able to repay it : And by so doing, we shall exceed those Sinners mention'd *ver. 34.* who *lend to Sinners to receive as much again.* Thirdly, *Hoping for nothing again : i. e.* frustrating none that come to borrow, of that hope which they have conceived of your Beneficence. Lend, and frustrate not the hope of any. If any have need of Loan, be not so rigid towards them, as to cut off all hope of a Benefit to be conferred, but rather shew your selves forward in lending. Fourthly, *Hoping for nothing again : i. e.* not hoping to receive the like Kindness again, *ἰσὺς ἴσους, equalia*, as suppose the having of the like Sum lent to you another time. Fifthly, *Hoping for nothing again : i. e.* desparing nothing, or not losing all manner of hope, *viz.* of a just Retribution from God, if not from Man. Here are divers Interpretations of this Text, and yet you speak of passing by others. And indeed you have past by one as plausible as most of those you have mention'd ; and the Opinion too of an Expositor you have in your Book quoted oftneft of all ; which is, that our Saviour sheweth *with what Affection and Disposition of Heart Men ought to lend, viz. Having respect to the good of the Party borrowing, and not to the Restitution of the thing lent.* But how many interpretations soever the Text is *favourably capable of*, as you express it, *Pag. 43.* yet from hence it doth appear, that those who understand not this Text of expecting *beyond the Principal*, are not agreed among themselves concerning the Sense of it, but of very various Minds what Construction to make thereof. And yet I believe, put them all together, it



will be found that the greater number of Expositors who have written on this Text, do go the other way, and do understand it of lending, without expectation of any thing beyond the Principal in Consideration of the Loan. If it be probable that these latter are mistaken, yet it does not certainly appear that they are so: and possibly their understanding of that place does bid as fair as some of the Glosses you have produced. But what if it should be granted that Usury is not particularly condemned in the New Testament? May it not suffice, that it is condemned by *Moses* and the Prophets, and the Book of Psalms? where do we find false Weights and Measures, or Perjury particularly forbidden in the N. Test.? If you say, false Weights and Measures are forbidden in the N. Test. under the general name of Injustice; so it may be said that Usury is forbidden under the general name of Uncharitableness, or Oppression: But divers there are, who believe this Text to have a particular respect to Usury. You add, ‘Suppose it be granted, that *hoping for nothing again*, respects the Use or Overplus, this may be, and yet with Restriction to the Poor, even as, *give to every Man that asketh of thee*, ver. 30. must be restrained to such as are fit Objects of our Alms; and why should not, *Lend, hoping for nothing again*, have its Restrictions too? I answer, so it will admit of the like Restrictions with the former, and yet be understood to condemn taking any Overplus for the Loan from any Person: For no one pleads that we are bound to lend to all Persons that would borrow of us whatever they have a mind to borrow, but only to such as we judge fit Objects to lend unto; and whatever we do so lend, to lend the same freely, without agreeing either directly, or indirectly, to receive back any thing again over and above what we do lend.

As to what you wish, that some would take notice of another sort of Theft, Pag. 52. 'Tis a Reflection remote and alien from the case in hand; for which Reason I shall make no other

ther Observation on it, than that I conceive, if what is intimated be true, it had been however more candid and ingenuous to have referr'd that to some private Admonition.

You say, *Pag. 54.* that Mr. J's Triumph which he makes from the Council of *Nice* consisting of 318 holy Men, &c. amounts to no more than this, *Whoever of the Clergy for filthy Lucre sake exerciseth Usury, let him be deposed:* And so you pass on in your Discourse without any other Reply to it, as if this of the Council of *Nice* had been scarce worth the mentioning.

But I am loth to be tedious, and therefore shall pass to the *second Answer* you give, which is, that *if the Law against Usury were not political and proper to the Jews, then you say that it did forbid it only with respect to the Poor.* In some places indeed the Poor are mention'd: but in divers other places, and the greatest number too, there is no mention made of the Poor. The Reply you make to this, for which you refer to *Mr. Baxter's Directory*, is, that where the Prophets reprove the Sin of Usury, it is expressed without that Limitation of the Poor, 'Partly because it supposeth the meaning of the Law to be known, which the Prophets did but apply; and partly because there was little or no lending used among the Jews but to the needy, as an Act of Charity. The first Reason is only a Conjecture, taking that for granted, which is the very matter in dispute, *sc. That it was generally known that the Prohibition of Usury was limited to the Poor.* And if this Conjecture be right, then it must follow that it was lawful for one Jew to take use of another Jew that was rich; and then your first Defence will fall to the ground. The second Reason may as strongly be urged on the contrary part, *viz.* therefore the word *Poor* was added to *Brother* in some Scriptures where Usury is condemn'd, because the Poor were the Persons mostly concerned in borrowing: which you do grant your self in these Words, *Pag. 231. Mostly it was the*

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poorer sort among the Jews that borrowed. And you also quote Mr. Capel for it, saying, *The Law doth urge it most that it be not done to the poor Jews, because the Jews were not wont to borrow, except it were the poorer sort.* And this Construction agrees well with other Scriptures, particularly *Dent. 24. 14. Thou shalt not oppress an hired Servant that is poor and needy: 'Twill not follow that they might oppress others.* And *Exod. 22. 22, &c. Ye shall not afflict any Widow or Fatherless Child, &c.* And in the very next place it follows, *If thou lend Money to any of my People that is poor by thee, thou shalt not be to him as an Usurer, neither shalt thou lay upon him Usury.* 'Twill not follow that if they did lend Money to any of their Brethren that were rich, they might lay Usury upon them. Yea, many who think Usury lawful now, do grant that it was unlawful for the Jews to take Use of their Brethren, tho they were rich. You produce *Rivet, Pag. 94.* 'Replying, that in such Consequences there is a Dissimilitude, because Oppression and the like are evil in themselves, as is clearly proved from other places; but it is not evil in it self to take any Increase for Loan, but in some cases only, into which the rich Man while such falleth not. But how does it appear that Usury is not evil in it self? He says so 'tis true, and makes that a Reason to invalidate the former Consequences: but this is the thing under question, and therefore I conceive not to be taken for granted in the Dispute concerning it. 'Tis sufficient to the present purpose, that what is evil in it self, may be spoken against with a Limitation annexed, tho the thing notwithstanding be evil universally: even so, tho Usury be forbidden in some places with a Limitation to the Poor, yet it will not follow from thence but it may be evil universally? 'Tis an aggravation of any Oppression, if it be a poor Man that is oppressed; as it was a more heinous Offence to take the poor Man's Lamb who had nothing else save that one Ewe-Lamb which he had nourished up with his Children, than to have

have taken one from a rich Man, who had many and could well spare it: but the Aggravation of such an Oppression will not serve to justify any other of a less degree. You plead very much in divers places of your Book for the *Equitableness* of some kind of Usury, and urge this, that *the Use of Money is worth Money, and as valuable as that for which we receive Rent*. But if God have forbidden the receiving Profit for Loan, which is the matter in question, 'tis not sufficient for us to say that *Loan is valuable*. You grant that God hath forbidden us to take use of a *poor Man*, if we lend him a Sum of Money to serve his Occasions, and yet my lending him this Sum of Money is as *valuable* in it self as my lending the like Sum to a *rich Man*. Why may I not then (if our Judgment concerning the *Equitableness* of the thing may serve) take Use of this *poor Man* for that which is indeed as valuable? or why may I not take Profit of him for the Loan of Money, if it be altogether as valuable, and it be no more *evil in it self* (to take Use than to take Rent) as well as take Rent of him for my House wherein he lives? What Injustice is there in the former more than in the latter? You will possibly say, 'tis a breach of *Charity* to make a *poor Man* pay Use for Loan, tho the Loan be valuable: But can you give me a reason why *Charity* should oblige me to give him the Consideration for the Loan, more than the Consideration for his dwelling in my House, both of them being equally valuable, unless you produce this Divine Law against Usury? And if you do so, then you must plead that it is in force now with respect to the Poor, and so much of it is moral; but with respect to the Rich it is not in force, that being judicial, (thus making it partly moral, and partly judicial) or that it was never intended at all but only with respect to the Poor. But is not this a very doubtful and uncertain way of concluding; and the rather, for that the great Argument of *Equity* holds with respect to the Poor as well as the Rich? If it be as equitable

quitable that a poor Man should pay me ten Shillings Rent for his poor Dwelling, as that the rich Man (who is my Tenant also) should pay me ten Pound Rent for his House, being of answerable value; why it is not as equitable that the poor Man should pay me Use for five Pound, as that the rich Man should pay me Use for five hundred? I may indeed incline rather to *give* the poor Man his Use, and so I may to give him his House-Rent: but according to the strict Rules of Justice and Equity, I see not the Difference; for the poor Man hath as valuable a Consideration for the Use he pays, as the rich Man hath for the Use that is paid by him; and the Consideration too is as valuable for the Use he pays me, as for the Rent he pays me, the Loan of Money being in it self as truly valuable as the letting of an House. From all which it appears, that we are not in all Cases to bring God's Laws to *our Measures*, and that there is but little Reason to build much upon either of these Conclusions, That the Law is moral in one respect, and not in the other; or that it was primarily intended only with respect to the Poor.

And now having shewed, that *these Limitations* applied to those Scriptures that condemn Usury, are not so satisfactory as to put this matter out of doubt, that the Usury you pleaded for is lawful, I shall apply my self to those principal Arguments before me, which you offer in defence of it. And those may be reduced to these *seven* following, which I shall speak to in the order I set them down, tho they be otherwise placed in your Book, according as Mr. J's Discourse gave you occasion to offer them.

And the first is, That it is not *biting*, because the Borrower as well as the Lender may be a Gainer by it.

Secondly; That the Law of the Land is for it.

Thirdly; That a Man is not bound to lend his Stock freely to those who are as rich or richer than himself.

Fourthly; That many Holy and Learned Men have judged it lawful.

Fifthly;

Fifthly ; That it is necessary to the carrying on of Trade.

Sixthly ; That it is but doing as you would be done by.

Seventhly ; That there are divers Cases, some of which you instance in, wherein 'tis hard to make it appear that Usury is more biting than other ways of dealing, that are approv'd of by those who condemn Usury. I shall reply to each of these in their order.

Your first Argument is commonly answer'd by divers Instances which are given of unwarrantable dealings, wherein yet both Parties are Gainers, among which I shall only mention this one, *sc.* buying a Presentation. You answer to this, that tho both Parties be Gainers thereby, yet the Church is a Loser: so 'tis return'd to your Argument; tho both Lender and Borrower may be Gainers, yet those Customers who buy of those Men that borrow upon Use, are bitten; and that they must pay the dearer for what they buy; other Tradesmen who have Monies of their own, being as willing generally to raise the Price too, and sell as dear as they can. And for this reason they who have writ against Usury, conclude all Usury to be biting; whether deservedly or no, I will not say; but this is most plain in their Writings, that they will not admit this Distinction of a *moderate* Usury and a *biting* Usury. And for this reason you might have spar'd me-thinks what I find Pag. 134. Mr. J. answers those who plead that the Expressions of the Fathers, and other Writers by him quoted against Usury, were to be understood of *gripping* Usury, that there was no such matter. You reply upon him, *Are they then to be understood of Usury that is not gripping? we must pardon hts Memory having told us before once and again, that all Usury was gripping.* Pray consider what kind of arguing this is. Was it not very obvious that Mr. J. meant no more than this, that what the Fathers and those Writers he quoted, condemn'd, was Usury considered without this Distinction of *gripping* Usury and *moderate* Usury?



You indeed make this Distinction for them divers times, but they have made no such themselves. Dr. *John Raynolds* (than whom, as one observes, the World hardly ever saw a better Man, and a better Scholar) concluded this distinction of *biting* Usury, and not *biting*, (made use of, saith he, by some late Divines) to be but a meer sham. And to the like purpose, says Mr. *Greenhill* in his Exposition on *Ezek. 18. 8.* 'Let Men take heed how they meddle with Usury, and trust to a Distinction of Man's Brain, making biting Usury unlawful, and other Usury lawful; lest by this Distinction they get Money in their Coffers, and lose their Souls at last.' The same I find in the English Annotations on *Psal. 15. 5.* *The common distinction of biting and more moderate Usury, hath no ground at all in Scripture, &c.* Much of your Discourse depends upon this Distinction; whereas if there were any such intended in the Law, then you must grant, I conceive, that 'twas only what you call *biting Usury*, that was forbidden to the Jews, and not that which you call *moderate Usury*. And if so, I would ask you this Question, Whether you think the Jews might practise this kind of biting Usury towards all Strangers, that is to say, towards all those that were not Jews? If you admit that, it must be considered how we are to understand those Scriptures, in which God requir'd the Jews to shew Mercy and Kindness to Strangers. Indeed by this Distinction you seem to hold the Jews and us to be equally concern'd in this Law and Command of God against Usury, and consequently invalidate your first Defence, That this Law was *political and peculiar to the Jewish Nation*. The word in the Original for Usury signifies *biting*, because, saith *Junius*, Usury biteth and consumeth a Man and his Substance. And so saith *Ainsworth*, and I believe most others that treat of it. But what a weak Foundation is this to ground such a Distinction upon, because the word signifies *biting*, that therefore there is a *twofold Usury, biting, and not biting*? Especially seeing



seeing not only *Methék*, which signifies *biling*, but *Tarbitth*, which signifies *Increase*, is condemn'd, *Levit. 25. 36.* and both mention'd together, *Take thou no Usury of him or Increase, but fear thy God.* And *Ezek. 18. 13.* *Hath given forth upon Usury, and hath taken Increase, shall he then live? &c.*

Your *second Argument* I find, *Pag. 103.* where you plead the Law on your side for the taking of Use, which *Mr. J.* supposing the Law to admit for the avoiding of greater Evils, you seem to wonder at that much. *Greater Evils! what greater than the Damnation of Souls? I can't believe it.* Do you not believe that the *least Oppression* (taking Oppression in that sense which all do allow of) does deserve Damnation? and do you not also believe that some Oppressions are greater than others? If it be an Oppression to require *six Pound* for the Loan of an hundred, (which some do think it is) 'tis a greater Oppression in the like Circumstances to require *eight or ten.* But as to this Argument of the Law's being on your side, it will not be amiss to take a little notice of your own way of expressing it, *Pag. 104.* 'Where-  
'as the Law immediately preceding this which is now in force,  
'allowed eight in the hundred, this last Statute *forbids taking*  
'*above six per Cent.* Which Toleration is granted, says the Learned *Coke*, that great Oracle of the Law, for the like reason that Divorce was tolerated among the Jews. Our Law does not encourage the taking of any Use, or undertake to justify it as warrantable in point of Conscience, but forbids taking more than *six per Cent.* Yea, the very *Act of the 13th of 2. Eliz.* concerning Usury, begins thus, *Forasmuch as all Usury forbidden by God, is Sin and detestable, &c.* And in the *Statute of Jac. 21.* there is this *Proviso*, which you make reply to, *Pag. 109.* *Provided that no words in this Law contained, shall be construed or expounded to allow the practice of Usury in point of Religion or Conscience.* And the Import of your Reply to it, I conceive to be this, That tho the Law do

not allow the practice of Usury in point of Religion or Conscience; 'tis sufficient that it doth allow it in civil Commerce; and that it appertained not to a Civil Court, as the Parliament is, to determine whether a Man may practise it in point of Conscience or no: To which you add, *If the Civil Law forbids Flesh in Lent, the use thereof at that time in point of Conscience remains lawful as before.* Pray consider how well you have follow'd your own Argument, and whether to apply your way of managing it to the case in hand, the Consequence of it must not be this, That altho the Law allow the practice of Usury in civil Commerce, the thing however in point of Conscience is the same as it was before, notwithstanding what the Law says of it either one way or other? And yet you seem to put a great Stress upon the Law in this matter of Usury, as if Conscience might be influenc'd and satisfy'd thereby, and there were no difference between *Legitimum* and *Licetum*: particularly, p. 105. 'Let it be consider'd, forasmuch as Propriety receives its limitation and application from humane Laws, whether any Man hath not the same Right to Six per Cent. in this Land, that lends his Money, as any one has to his Lands and Tenements, or any Goods he enjoys, by virtue of these Laws. You may be pleas'd to remember that the Question, *Whether Gain covenanted for Loan be lawful or no* is not to be understood whether it be lawful by Human, but by Divine Law. And you say with reference to the Law which forbids Flesh in Lent, that the use thereof at that time in point of Conscience remains lawful as before. What Obligation human Laws have on the Conscience, needs not here to be disputed; for the Law does not command any Man to take Use. But to return to your Instance. If the Law forbidding Flesh in Lent don't alter that case in point of Conscience, how comes it to pass that it should have such an Influence here in point of Conscience? You say, *Pag. 106. It appertains to these Laws to state and appoint, as at what*

rate Gold and Silver shall be valuable, so also what rate Money lent shall bear. I would grant what you say, if there had been no more declar'd in Scripture concerning lending of Money, than there is at what rate Gold and Silver shall be valu'd. What you quote Dr. *Hammond* for, *Pag.* 105. respects another Case far different from this, *sc.* 'That Christ's Kingdom 'is not of this World, that he came not to interpose in Secu-  
'lar Affairs (such as are the Proprieties of Men) but dis-  
'claimed having any thing to do to be a Judg or Divider  
'among Men. Are there no Rules then and Laws in Scrip-  
ture that concern human Contracts? Does God's Word no where interpose in Secular Affairs, but leave all to Man's De-  
termination? Our Saviour, while he was here, would not be a Judg, but keep to his own Calling: doth it thence fol-  
low that the Law of God doth not interpose in Secular Affairs? These Words of Dr. *Hammond* are applied by him to confute those who do found all Propriety in Grace, so as to justify all their Rapins and Invasions on the Estates of those whom they did look upon to be wicked, depriving them of their most lawful Rights and Possessions meerly upon this pretence, because they were unholy; and laying claim thereto themselves as being gracious Persons, and thereby priviledg'd to enter upon, and take Possession of any carnal Man's Inheritance. How little does this agree to the purpose you produce it for? And yet this same Argument you urge again, *Pag.* 247. and would prove it by this of Dr. *Hammond*. Do you think that there are not such Laws in some Countries, or that there may not be such a Law as will allow of unjust Gain? I mean, such Gain as is forbidden by God's Word? And will not such Gain remain sinful and unwarrantable still, notwithstanding any human Law concerning it? If so, then this is no certain Rule, that a Man may safely take all that the Law will permit him to take. Yea, Dr. *Ames* himself, who holds Usury lawful, to which purpose you have

## The Case of Usury

have quoted him in divers places, yet among his Cautions lays down this, *That it is the safest Course for him that puts out his Money, not to require all that he may by Law, but to keep within that which the Law permits.* And Bp Taylor, whose Authority you have made use of, as a Favourer of your Cause, in his *Ductor dubitantium*, lib. 3. cap. 3. pag. 571. on Quest. 5. *Whether is to be obeyed, the Prince, or the Bishop, if they happen to command contrary things?* says, 'The latter is to be obeyed, in case what the Civil Law enacts be only a Permissi-  
' on, and not a Sanction and Command: As where the Ecclesi-  
' astical Laws forbid Marriage in a certain degree, and the  
' Civil Power permits it, then the Subject may more safely  
' obey the Power Ecclesiastical: for the Civil Power does  
' not command to marry in a certain degree. So it is in such  
' things which are permitted for the Hardness of Mens Hearts,  
' or the publick Necessity. The Permission of the Prince is  
' no Absolution from the Authority of the Church. Suppo-  
' sing Usury to be unlawful (as it is certain many kinds and  
' Instances of it are highly criminal) yet the Civil Laws  
' permit it, and the Church forbids it. In this case the Canons  
' are to be preferr'd; for tho it be permitted, yet by the  
' Laws no Man is compell'd to be an Usurer, and therefore  
' Men must pay that Reverence and Obedience which is o-  
' therwise due to them that have the Rule over them in the  
' conduct of their Souls. And whereas you plead, Pag. 103.  
*That you can't be perswaded that Men may take so much upon*  
*them as to tolerate or permit that which is in it self unlawful, since*  
*'t would be a virtual Dispensation for the breach of a Divine Law;*  
I shall not presume to offer my Thoughts in the Case; whe-  
ther they do well or no in tolerating it, is not that which I  
take to be the Question we are principally concerned to in-  
quire after, but whether we shall do well in practising it.  
However I shall give you the Opinion of this same great and  
eminent Casuist in the same Book, Pag. 285. *The Common-*  
*wealth*

wealth may promise not to punish *Usury*, tho of it self it were uncharitable, and consequently unlawful. So that as for this *Learned Bishop*, tho he speak with much Moderation on this Subject (and 'tis fit every one should be moderate in such disputable matters) yet who so impartially weighs what he hath written concerning it, will have little Incouragement from thence to practise *Usury*. But I desire you yet further to consider, If you hold only such a kind of *Usury* lawful, as your own Authors you quote do allow of, you must condemn such *Usury* as is not qualified with those *Limitations* and *Restrictions* that they lay down: but the Law of our Land which you do urge in this matter, and plead for the warrantableness of taking whatever it allows, does allow the taking of *Usury* even from the *Poor*, and whether the Borrower gain any thing by it, or no, yea, tho he lose the whole *Principal*; and consequently tolerates that which is condemn'd by your own Authors. This Argument therefore from the Law will go further than you would have it. If you say, Tho the Law will suffer a Man to require Use in such Cases, yet however he is left to his own Conscience in it, he may chuse whether he will or no: So say I; he may chuse whether he will take any Use at all or no. The Law leaves him to his own liberty and choice in the one as well as the other. Yea, 'tis the Opinion of *Learned Men*, that our Law-givers were fain to tolerate this thing, because they knew not well how to reform it. I shall say no more at present concerning this Law of ours, save only this, that it may be the less wonder'd at that there is such a *Proviso* in it, That no Words therein contained shall be construed or expounded to allow the practice of *Usury* in point of Religion or Conscience, not only because 'tis against the general Current of Writers of all Professions, but also because it is contrary to the Doctrine of our Church, which was then (as it is still) established by Law in her Book of Homilies, where we have these Words, If the Merchant and worldly Occupier knew that

that God is the giver of Riches, he would content himself with so much as, by just means approved of God, he could get to his Living, and would be no richer than Truth would suffer him, he would never procure his Gain and ask his Goods at the Devils Hand. God forbid, ye will say, that any Man should take his Riches of the Devil: Alas! so many as increase themselves by Usury, by Extortion, by Perjury, by Stealth, by Deceits and Craft, they have their Goods of the Devil's Gift, &c. Hom. for Rogation-Week, 2d Part.

Your third Argument above-mention'd is, *That a Man is not bound to lend his stock freely to those who are as rich or richer than himself.* But this is very easily to be answer'd, viz. that there are divers other ways of laying out a stock of Money, besides putting it to use; which is so obvious, that I do the more wonder at what you write, *Pag. 208.* 'If in all Cases, and to all Persons we are tied up to use Acts of pure Charity, there would be no room left for Acts of Justice; such as buying and selling, for giving, and free lending would swallow up all the former Acts. Did ever Mr. Bolton, whom you are now answering, or Mr. Capel (whom you afterwards bestow some Animadversions upon) or any Person else that hath written against Usury, lay down any such thing, that we must give or lend away all our Money, so as there should be no room left for buying or selling? And yet, which is more strange, you proceed to offer Reasons against this, which I think no Person in the World ever said or intended. Your first Reason is, 'If a Man were tied up to Acts of Charity, and were not free to use Acts of Justice in Contracts, then the Fountain of his Charity would soon be drawn dry: for then he would be still laying out, but not taking in; and no Man is able to satisfy the Cravings and Expectations of all necessitous Persons, much less of all such as would borrow freely. 'Tis very sure, and this one Reason



is abundantly sufficient to prove what no body will deny : But however you proceed to a second, which is, ' That Charity enjoyns us not to be cruel to our Selves or Relations; ' tho we are to be kind to others, yet not so as to be unkind ' to our selves. Did ever any Man plead that we are bound to lend all that we have to others, or so much as will disable us from making such competent Provision as our Conditions and Relations do require ? Yea, instead hereof you bring in Mr. *Capel* himself, saying the same with you ; and 'twould be wonderful strange if he were not of your Mind in this thing. *I speak (saith Mr. Capel) of such as are able, for we may not stretch beyond our Staple, and spoil all. I must not make my self poor, to keep another from being poor, &c.* But I shall not proceed hereon any further to the exercise of your Patience.

Your fourth Argument above-mention'd, *That many holy and learned Men have judg'd it lawful*, does fully convince me that there is great Reason to judg charitably and honourably of those who are so perswaded : but it does not prove the Lawfulness of it any more, than that there are many holy and learned Men have judg'd it unlawful, does prove it therefore to be unlawful. And here it may deserve Consideration, that the chief of those you have instanc'd in, tho they are of Opinion that in some cases it may be lawful to receive Profit for Loan ( which cases are very rarely observed, and particularly those I shall hereafter mention under this same Head ) tho I say they hold it in some Cases lawful, yet they are very tender therein, and expresse themselves rather to this purpose, that they do not see the Unlawfulness of it, than aver confidently that it is unquestionably lawful. I have already shewed how little Incouragement any Man can have to practise Usury, that shall impartially weigh what Bp *Taylor* hath written of it. As for Mr. *Calvin*, you produce him, *Pag. 203.* pleading, that if one Man delay and with-hold Payment beyond the time appointed, to the hindrance of the other,



the Party dampnif'd hereby may lawfully be consider'd for it : and to the same purpose, Pag. 219. pleading the Cause of the Lender thus ; \* Behold, I depended upon him, he promised to pay me at such a day, that time is past and I can get nothing from him, he cares not tho I and my Family starve for Hunger ; therefore in such Cases Justice ought to remedy a Man. So then, if a Man be on this wise deceived, it is a clear case, he may take Interest again, and not for this be accused before either God or Men. How little is this in favour of Usury ? Mr. J. whom you write against, allows the same, and calls it by the name of *Interest*, which he distinguishes from Usury ; and so do others as well as he, tho you like not the Distinction. Certainly a Man can take little Incouragement to practise Usury from any thing that *Calvin* hath written : yea, if I had never read any other Person on this Subject, I should resolve rather to have nothing to do with it. They who fled, or were banish'd in times of Persecution, carrying Stocks of Money with them, and wanting Skill to imploy it in strange places, did put it into the hands of others to trade with it, who gave them some Allowance for the Use of their Money. This was a Case somewhat extraordinary, and 'twas partly with a respect to those Men, that some eminent Divines wrote so favourably of Usury, qualified with such and such Limitations as they have laid down. And so did *Calvin*, tho he says it were to be wished that all Usury, yea the very name of it, were banish'd out of the World ; and that he desir'd nothing more than never to have any further occasion offer'd him to meddle with that Subject ; which I shall give you in his own Words, *Optandum quidem esset omnes Usuras, ipsumq; adeo nomen e Mundo jampridem exulasse, ut nihil magis exoptem quam ut mihi necessitas non sit Argumentum istud deinceps attingere.* And in his *Harmony* upon the Pentateuch, *Certè minime videtur licitum Filiis Dei, quod prophani quoq; Homines detestati sunt : Simus ubiq; & semper exosura,*

*exosum & infame fuisse ferneratorum nomen.* And again, *Fanus quidem exercere, cum inter pudendos & turpes quaestus duxerint prophani Scriptores, multò minus tolerabile est inter Filios Dei.* And after he had spoken in defence of some kind of Usury qualified according to his Rules and Restrictions, he adds these Words, *Nolo quidem meo patrocinio usuras fovere, atq; utinam nomen ipsum abolitum esset è Mundo.* And in another place, after he had discoursed on this Subject, he concludes thus, *Sed tenendum semper est, vix fieri posse, ut qui fanus accipit non gravet Fratrem suum: & idè optandum est nomen ipsum tam Fanoris quàm Usuræ sepultum esse, & deletum ex hominum memoriâ.*

Dr. Hammond you have frequently quoted, and particularly his *Practical Catechism*: and yet he there says, that the business of Usury is not so clearly stated in the New Testament, or in the Old, as that he can set strict and certain Laws to a Man's Actions from thence. He does indeed rather encline to think it lawful with this Caution among others, *That he who lends, be (as far as morally he can be) sure that he who pays him this Use, be able to do it without eating out, or hurting himself, but that he makes greater Gain of it himself; and if either by mis-adventure, or by his own neglects it be otherwise, 'tis the safest course to forbear the Interest; and that in matters of this nature it is his Duty to take the safest.* Now, says he, if a Man think himself obliged so to do, 'twill make him the more circumspect in examining the Condition of the Person of whom he adventures to take Use, &c. And afterwards, In all this, says he, you must not think that I am so positive as in other things I have been, &c. And I find in the *Life of Dr. Hammond*, put forth by the Right Reverend Bishop of Oxford, this observed concerning him, *The taking of Use, tho he judg'd it lawful, yet never approv'd by Practice, but lent still gratis both to Friends and Strangers.* Since then that Dr. Hammond offers such a Caution; and not he only, but Calvin too, who says further, that the

*Borrower's Gain must be so much more at the least as the Interest he pays, together with other Qualifications laid down by them and divers others; and particularly that of Zanchy and and Bucer, who held, That the Lender ought to share in the loss of the Principal, if it did happen to miscarry in the Borrowers hands, viz. that this must be their private purpose and intent tho it be not exprest; and that fore-mention'd one of Ames, not to require all that a Man may by Law, but to keep within that which the Law permits; let it be consider'd whether a Man had not as good never meddle with it at all, as adventure upon that which the Principal of those who have written in defence of it, prescribe not only these above-mention'd, but divers other Limitations and Cautions about, wherewith they apprehend it needful to qualify and temper it to make it passable. And it may not be amiss to consider further, whether such as plead these Mens Authorities, do observe the Cautions which are prescribed by them. To all this I shall add these words of Bishop Hall in his Practical Cases of Conscience, All Usury, which is an absolute Contract for the meer Loan of Money, is unlawful, both by Law natural and positive, both divine and humane. And Grotius himself, whom you have quoted oftneft of any other Author, in the beginning of his Discourse about it, makes this Profession, *Hæc de re acturus illud primum præfabor, probare me eorum Pietatem, qui totum hoc lucrandi genus sublatum vellent è rebus humanis, quando multa inde mala nasci manifestissimum est.* I have thought it the more adviseable to be thus large in my Reply to this fourth Argument of yours, because there are divers I believe encouraged by the Authorities of such eminent Persons, not only to allow themselves freely in what they have written so nicely and tenderly of, but also to go beyond in several respects what these (and divers others who might be instanc'd in) have been careful to prescribe in their respective Discourses on this Subject.*

You

Your fifth Argument for Usury, is the Necessity of it to the carrying on of Trade. But this, tho so strongly urged, does not so plainly appear. Tradesmen, if they did see it good, might take other measures, and yet find their Trade go on prosperously enough notwithstanding. It does happen so indeed (but I can see little reason for it) that they who write for the Lawfulness of Usury, are counted the greater Friends to the trading part of the Nation: And this is one great Hinge you lay your Discourse upon, as if Usury were the very Pillar and Basis of Trade, without which it would fall to the ground. Did not the *Romans* flourish hundreds of Years before Usury was practis'd among them (as one observes)? and the *Jews* did flourish in Wealth (none more) without any Toleration of Usury. Tradesmen have been so far concerned this way, that they do not generally desire to hear any thing spoken against it: they have receiv'd considerable Increase by this way of dealing, and this darling Notion of the Necessity of it to Trade, is that they are willing to take some Satisfaction from; tho there are some Tradesmen on the other hand had better never have known what Usury meant. But there is no great need of disputing this one way or other, *Whether Usury be a furtherance to Trade or no*. If God's Word condemn it, 'tis no Man's Interest to practise it, and a weak Argument to say that Trade is advantag'd thereby: if God's Word do not condemn it, then let it be freely practis'd to all intents and purposes for which it can be render'd serviceable. And that must be the issue of this Dispute, and not whether Trading be better'd by it or no. Only I wish it without any prejudice and impartially consider'd, whether they who are not satisfied in the lawfulness of Usury, may not be (whatever can evidently appear to the contrary) as great Friends to Trade, as the chiefest of those who have written for the lawfulness of it. I shall conclude my Answer to this Argument with the words

of that great and known Casuist, Bishop *Sanderson*, in his Sermon on 1 Cor. 7. 24. 'It were not possible *Usurers* should  
 'be so bitterly inveighed against by sober *Heathen Writers*,  
 'so severely censured by the *Civil* and *Canon Laws*, so uni-  
 'formly condemned by godly *Fathers* and *Councils*, so univer-  
 'sally hated by all Men of all sorts, and in all *Ages* and  
 'Countries, as Histories and Experience manifest they ever  
 'have been and are, if their Practice and Calling had been  
 'any way profitable, and not indeed every way hurtful and  
 'incommodious, both to private Men and publick Societies.

Your sixth Argument is, That it is but doing as you would be done by. And yet you grant, *Pag. 98.* That he who lends to another, if he were to borrow himself, *would not be willing by an absolute and free-will to pay Interest*; for, say you, *If any would so far be-friend the Borrower, as to lend him gratis, this is of the two more eligible*, for which you produce, *Quis nisi mentis inops*, &c. But this in my Apprehension does not well agree with that Argument you are now treating of; and I should think whatever may be said of others, yet at least such as are of your Opinion in this matter, will do well to lend freely what they lend, because they would like it well to have others lend freely to them. But the meaning of that great Law, *Whatever we would that others should do unto us, we are to do the same unto them*, must be understood in such cases wherein we are rightly inform'd, (and so the doubt remains still in a great measure unsatisfied) otherwise I can instance wherein a Man will do very ill in doing to another what yet he may be too well contented another should do to him. Besides, Partiality may make me think that very reasonable, when I am on the lending hand, which would not seem so to me if I were to borrow: and it seems you by your good-will would have others lend you freely, in case they could perswade themselves to be so-kind.

Your seventh Argument is, That there are divers cases wherein 'tis hard to make it appear that Usury is more biting than other ways of dealing, that are approv'd of by those who condemn Usury. You give divers Instances to this purpose which are very proper and pertinent; but there is one of the Instances you have produced that I do not see any Cogency in; which is, of a Man that borrows upon Use a Sum of Money to purchase an Estate of Land, on which there is Timber enough to inable this Purchaser to pay back the whole Sum again; for here the Price paid for the Land is not a valuable Consideration; and this kind of arguing would serve to justify the receiving more for the Loan of Money (and yet the Borrower not be bitten) than I believe the most biting and oppressive Usurer in the World did ever receive. 'Tis fit every Man that purchases Land, should pay a Price in some good measure answerable to the real value of the Land, and of the Timber too that is upon it: and if so, he that borrows Money upon Use to purchase Land, may in a short time see cause to repent his Bargain. But there are Cases, I confess, in which 'tis difficult to find out how Usury should be more biting then some other ways of dealing that are allowed of on all hands; with reference to which Cases, I shall offer these two things to your Consideration. First, Whether the like cases might not have been pleaded by a Jew that should have practis'd Usury with his Brethren? And yet the chief of those Authors you produce in favour of it now, do hold that it was unlawful to the Jews. Secondly, Whether the Wit of Man may not find out divers subtil Arguments, and propound Cases very specious and plausible in defence of that, which yet notwithstanding is not justifiable in it self? Yea, in Mathematical Sciences (tho in them there be the plainest Demonstration) are Arguments produced *pro* and *con*, which are to our Apprehensions undeniable on both sides. But if God's Law forbid



forbid it ( which is that I regard more than all Arguments from other Topicks ) to what purpose is it for us to urge, that there are Cases may be thought on, wherein we are not able to see the Iniquity of it? Neither can you easily see wherein 'tis inconsistent with Equity ( as I have intimated before ) to take Use of a poor Man for Loan of Money, any more than to take Rent for his House; and yet you do not seem to like that your self, to take Use of a poor Man. We can see but a little way, and are not to make our Apprehensions a measure for Divine Laws. We shall be guilty of assuming too much to our own weak and shallow Apprehensions, if we would endeavour to bring all things to their Standard. *Man's Wit is set on work* ( says a learned and judicious Writer ) *to spin out fine and subtil Cases of Usury wherein no wrong shall appear. 'Tis an easy matter to cast a Stone into a Pool, which seven wise Men will hardly get out: and one such Case will beget many Cases like unto it self, for the Wit of Man will work like a Mole to get into the Earth.* To which I shall subjoyn the Opinion of a worthy Person I lately discoursed with on this Subject, 'That God hath given this Law against Usury 'on purpose to try Mens Obedience: he allows them other 'ways of dealing as advantageous as Usury, but this way, 'he says, they shall not make use of; and does it to try their 'Obedience, and to see whether they will be govern'd by 'him therein or no.

What you urge in behalf of Widows and Orphans, which I know is generally pleaded, does not ( that I can see ) signify very much to the deciding of this Controversy. Doubtless God had a tender regard to them, beyond what the most compassionate Men in the World can have, put them altogether, and we find does take a particular care of them; but yet he has no where excepted them as to this matter. And to what purpose is it for us to interpose where God's Word is silent? The greater care God hath himself been pleased



pleased to exprefs concerning them is an Argument to trust God the rather, and to depend the more on his Providence. And I believe it may puzzle any Man to give any fatisfactory Reason to the contrary, but that Widows and Orphans may be as well provided for now without Ufury, as they were among the Jews, or other Nations where Ufury hath been ftrictly prohibited. The Question is, *Whether Ufury be forbidden us or no, by God's Law?* If it be not, then 'tis lawful for others, as well as Orphans and Widows: if it be, 'tis as unlawful for them as others, there being no exception at all in God's Word concerning them, with reference to this matter.

And thus you may poffibly fee your Arguments are not altogether fo ftrong as I believe you took them to be, when you fpoke fo flightly of what has been urged to the contrary by Bp Jewel, *Pag. 113.* 'But what fpeak I' (faith Bp Jewel) of the ancient Fathers? there was never any Religion, nor Sect, nor State, nor Degree, nor Profeflion of Men, but they have mifliked it. You reply, *And that deservedly too, if this be meant of oppreffive Ufury, otherwife none is bound to believe him, and 'tis hard to prove the truth of it.* Somewhat like to this is the Reply you give to Bifhop Hall. *Nature teacheth,* fays Bifhop Hall, *that Metals are not capable of Superfétation.* You reply, 'If they be capable of Fétation, it is enough; and when the Barrennefs of Metals is pleaded, I may fafely think it is not meant of Metals in the Mine, for there they receive a natural Increafe, at leaft by Ap-  
pofition. So where Ainsworth cites Maimonides, the learned Rabbi, difcourfing with fome Strictnefs againft Ufury, p. 218. you comment thus upon him, *Strange it is that Eagles fhould thus catch Flies, and great Rab-  
bies learnedly difcourfe of Trifles.* And yet I find the learned Ames, who I think of all Men has pleaded the Caufe of Ufury beft, difcourfing as critically, or nicely (if you will call it fo) concerning Simony, where he fays, *Hinc munus Simoniacum non ineptè dividitur in munus à manu, munus à linguâ, & munus ab obfequio, &c.* To which I fhall refer you.

The next thing I fhall take notice of, is the Expofition you give of what we read in *Nebem. 5.* concerning Ufury, where you fay, that it feems to you not an improbable Conjecture that the hundredth part of the Money, &c. *v. 11.* is not to be underftood of Ufury, but that proportion which the Officers and Rulers did for their Service exact from the common people. If you make the beft of this, 'tis but a Conjecture: and I conceive, 'twould be almoft-endlefs to fhew how different 'tis from the main fream and current of Expofitors. I fhall only mention two, which you have had recourfe to your felf, and therefore may weigh more with you than others. The firft is Diodat, who fays, *The hundreth part was a Tax of Ufury*

at one in the hundred by the Month. The other is the *Annotations*, commonly call'd the *Assemblies*, in which some parts of the Scripture are excellently well handled, and others as meanly, but I think 'twas Dr. Gouge that was appointed to be the Commentator on this Book of *Nehemiah*; and he was a very worthy Expolitor, as appears by his solid and accurate Exposition on the Epistle to the *Hebrews*, who says on this Text, 'The meaning is, that they should restore all that they had taken upon Use, for they used to take the hundredth part of what they lent every Month. That which they had thus received for Interest, they were to restore again, and that in kind, whether it were Money, or any other Commodity; for these four, Money, Corn, Wine, Oil, are put for all manner of Commodities that were given for Interest. Your arguing from *ver. 10.* is less plausible than your former Conjecture. What if he meant not that he and his Brethren in Government might exact *Usury* of the People, (which 'tis not likely he did intend) was it not proper enough for him however to plead with them thus, 'If I, and my Brethren in Command with me, do not exact that Tribute and Custom that is due to us for the Support and Maintenance of the Government, much more should you forbear exacting such Usury as you do require? And tho this case were extraordinary (which is another Answer you give) 'twill not follow that those Usurers might exact in like manner at other times. This Usury might be oppressive at all times, tho at this time it was the more grievous by reason of the present Straits the People were under.

Thers is another thing you propose to Consideration, *Page 86.* which you find in a learned Writer, whose Words you render into *English* thus: 'Hitherto may be referred, that it is very probable from that Parable of the Talents, *Mat. 25. 27.* not only that there was some Usury of Money-Changers in common use amongst the Jews, but also that it was not disallowed of our Lord: because under that Similitude he requires a Spiritual Office without the least hint of any Disallowance, the which he was wont to use in other Parables, which illustrated Duty from disallowed Customs, as *Luke 16. 8.*

The Argument for Usury from what our Saviour says in that place, *Mat. 25. 27.* Thou oughtest th. restore to have put my Money to the Exchangers, and then at my coming I should have received mine own with Usury; has been thought to be more properly confuted than confirm'd by the comparing of this with that other Text, *Luke 16. 8.* And the Lord commended the unjust Steward, because he had done wisely: for the Children of this World are in their Generation wiser than the Children of Light; the unjust Steward being

being rather commended in this Text than condemn'd. But if the unjust Steward's Practice be here brought in with an hint of Difallowance, there is another Instance of the like nature where there is not the least hint of any Difallowance at all; and that is, where our Saviour compares his coming, to a *Thief in the Night*. Whether *Dancing*, and such kind of *Races* as were used in the Olympick Games, be lawful Exercises or no, I shall not here enter into any dispute about: but, according to this way of arguing, the Disputes that have been with reference to either of them, may soon be resolv'd, for there is not the least hint of any Difallowance where mention is made of them in Scripture, *Mat. 11. 17. We have piped unto you, and ye have not danced:* and *1 Cor 9. 24. They that run in a Race, run all, but one receiveth the Prize.* We must not strain Similitudes to make every Particular agree, as a Commentator observes on that place of *St. Luke*. In such Parabolical Discourses the main drift of them is what we are to attend unto; and not apprehend that every thing mention'd in them, without a particular Expression of Difallowance, is approv'd of. As for the *Money-Changers*, I do not deny but they were Usurers: that seems plain enough from the Text; and there is an ingenious Writer observes this to be the constant Signification of the word *Trapezita*, or *Tablemen*, in prophane Authors: but he makes his Observation to a different purpose, and urges our Saviour's calling them a Company of *Thieves*, as an Argument against Usury, on *Mat. 21. 12, 13.* 'If we look well, says he, into our Saviour's Behaviour in this Act, we shall find that as by his overthrowing their Tables, and thrusting them out, he chastized their Prophaneness; so by his verbal Reproof, he taxes their very Employment, calling them a Company of Thieves, *Ye have made it a Den of Thieves.* 'This [*Ye*] cannot be meant of the Buyers and Sellers: Buying and Selling is a very warantable thing, especially sure when it relates to the Service of God, as theirs did. Besides, Christ gave them their Lesson by themselves, as *St. John* tells us, *John 2. 16. Make not my Fathers House an House of Merchandise.* It remains then that the [*Ye*] must be directed to the Usurers, whom he ranks among Thieves. And this Writer concludes this Observation thus, *If any body has a Mind to save the matter, and say, Perhaps they were not honest Usurers, I am of the same Mind, and so at last we are unawares agreed.* You confess you see not the Cogency of the Argument you have quoted; and I will grant you that I see not the Cogency of this; and so let one go against the other.

But I am as little satisfied in your own way of reasoning, *Pag. 160.* where you argue thus; 'Tis beyond dispute that there is too much Op-

pression to be found in the Land; but whether moderate Gain for Loan be such, he knows is in dispute between learned, pious, and good Men; and I think a Man may hold either side of the Question, and his Salvation be little concern'd in it: only I shall say, the practice thereof on the one hand is of great Consequence to the Nation we live in, as well as to the Estates of many single Persons; and the peremptory condemning of all that use it, is of dangerous Consequence on the other hand, upon Supposals that it be false. You plead elsewhere, *That things may be weigh'd on both sides with equal Ballances*. Now pray consider whether this matter you have now in *Deliberation*, be not to be ballanced more equally thus; *Whether all covenanted Gain for Loan be sinful, is in dispute between learned, pious, and good Men: therefore as the peremptory condemning of it is of dangerous Consequence, on the one hand, upon supposal that it be lawful; so the general practice of it is of dangerous Consequence on the other hand, upon supposal that it be sinful*. Especially since you do elsewhere, *sc. Pag. 241*. implicitly acknowledg it not clearly stated in the Word, and that which continues disputable between good and learned Men. Which gives me occasion to desire there might be some more satisfactory Answer given to this Query of your own, mention'd, *Pag. 1. 128*. *Is it not most adviseable, where there are two ways, the one doubtful and dangerous, the other not, to chuse the safest?* I say, I could heartily wish this Query might be more satisfactorily answer'd by some Person or other with reference to this present Subject. 'Tis very doubtful, says Mr. Vines (as you quote him, *Pag. 2.*) *whether Usury be a Sin or no*. You say, *Pag. 160*. 'Tis in dispute between learned, pious, and good Men; and do implicitly confess, *Pag. 241*. *That it is not clearly stated in the Word of God: 'tis condemned by General Councils, by the Greek and Latin Fathers, by the Canon and the Civil Law: 'tis condemn'd both by the Establish'd Doctrine of the Church of England in the Book of Homilies, and by the late Assembly of Divines in their Catechism, as also in the English Annotations, publish'd by some Divines of that Assembly thereunto appointed. Yea, and Rivet himself (who hath so often answer'd for you) does yet confess that all the Canonists and Schoolmen on this Question as also divers learned and orthodox Men who follow them (particularly he instanceth in Bishop Jewel Dr. Wilson, and Bishop Andrews) do condemn all kind of Usury whatsoever*. I say then, considering all this, does not he take the safest course, who employs his Money some such way (whereof there is sufficient choice and variety) as is concluded on all hands to be lawful and warrantable? He who hath a Portion left him in Money, is not necessitated (as your Discourse seems

to imply) to one of these two, either to lend it out upon Use, or to lend it freely: there are many other ways for him to dispose of it to very good and reasonable Advantage; whereas such as allow themselves in this practice of Usury, are greatly concern'd to see it clearly made out, that this *Prohibition of it in God's Word* does not concern them; there being, so long as this remains doubtful, so great a Danger and Adventure on the one hand, as is sufficient to weigh down the most plausible Conjectures that can be offer'd on the other. The Testimonies you produce in favour of Usury, are of such Men for the most part, as have written very tenderly of it; tho they are inclin'd to believe that it may be lawful, yet 'tis only in *some Cases*, and with certain *Cautions* and *Limitations*: but on the other hand, how many are there that do hold it very disputable and doubtful, tho they will not peremptorily conclude it to be sinful; and others that do judg it absolutely sinful? Bishop *Sanderson* is generally acknowledg'd one of the most able, accurate and judicious Writers that have ever written in matters of Conscience; and he in his Sermon on 1 Cor. 7. 24. after he says, that *most of the Learned have concluded Usury simply unlawful*, has these words, 'I should be very tender to condemn any thing as simply unlawful, which any, even imaginary Conjunction of Circumstances would render law-ful; and would chuse rather by an over-liberal Charity to cover a multitude of Sins, than by a too superstitious Restraint make one. Yet the Texts of Scripture are so express, and the Grounds of Reason so strong against all Usury, that when I weigh these on the one side, and on the other side, how nothing all that is which I ever yet saw or heard al-ledged to the contrary. I cannot find in my self Charity enough to ab-solve any kind of *Usury*, with what Cautions or Circumstances soever qualified, from being a Sin.

As for these many Scruples, you say, that Mr. J. has occasion'd by his Doctrine in tender Consciences, I have these three Considerations to offer in-Reply thereunto.

First; That 'tis not only Mr. J's Doctrine, but that which is delivered by so many and so able Writers, as may sufficiently warrant a Man's chusing rather to imploy his Money some other way. *In dubiis tutior pars eligenda.*

Secondly; Tho a Man ought to watch against Scrupulosity, as a very troublesome vexatious Distemper; which may also prove a great Snare to him, and use his best Endeavours in all matters that concern him to inform his Conscience aright; yet of the two Extreams, a Man is less en-danger'd by this. To which purpose our late able, learned, religious Judge  
Hale

*Hales* has exprest himself thus, in that excellent Discourse of his, call'd *The great Audit*, 'I have more trembled under the Fear of a seared than a scrupulous Conscience; because I always counted the latter, tho more troublesome, yet more safe. I have chosen rather to forbear that which seemed but indifferent, lest there should be some thing in it that might be unlawful; and would rather gratify my Conscience with being too scrupulous, then flat it by being too adventurous. I have still chosen rather to forbear what might be probably lawful, than to do that which might be possibly unlawful; because I could not err in the former, I might in the latter. If things were disputable whether they might be done, I rather chose to forbear, because the Lawfulness of my Forbearance was unquestionable.

Thirdly; They who are inclin'd to practise Usury by such Arguments as you have pleaded in defence thereof, if ever they come afterwards to doubt of it, will find greater Perplexity than those who scruple at it first of all (if it be a Scruple) and for that Reason forbear it altogether. *Mr. Baxter* I know allows of some kind of Usury, and you have urg'd his Authority for it among others: But what he writes in reference to any doubtful way of Usury, I shall here apply to Usury in general, which I think may without any breach of Modesty or Charity be said to be doubtful, and for my part, I will not say 'tis sinful; in his *Directions* about Restitution and Satisfaction, where his second Direction is this, 'Do nothing that is doubtful if you can avoid it, lest it should put you upon the trouble of Restitution: As in case of any doubtful way of Usury or other Gain, consider that if it should hereafter appear to you to be unlawful, and so you be obliged to Restitution (tho you thought it lawful at the taking of it) what a Snare then would you be in when all that Use must be repayed? I think such as *Mr. J.* are not the only Persons who may be said to be the Causes of Perplexities about this matter to Mens Consciences; but such also as do encourage them to this way of dealing, which they are not able clearly to justify. Men are generally desirous of Gain, and will be nibbling even at hazardous and doubtful ways of compassing it; ready in the first place to catch at any Arguments that may serve in some sort to countenance the Practice of what they have a Mind to: And then some time afterwards, upon one occasion or other, the Consciences of some of them smite them for it, and will not suffer them quietly to keep what they have gotten this way. And they who were satisfy'd before by the least Argument, are not now quieted with all the Reasons and Arguments that are offer'd them to justify what they have done, but do wish they



they had never been so imbolden'd to it by those whose Conduct they formerly thought they might very safely follow. I am very sensible how ill an Office it is to create any unnecessary Perplexities to the Consciences of Men; and that there is scarce any thing of a more perplexing nature, than the matter of Restitution in doubtful Cases, to such as cannot tell how to quiet themselves as they ought to do by reason of the Predominancy of their Fears. For my own part, I dare not say that Usury is sinful, and that what hath been gotten that way ought in good Conscience to be restor'd. I should be very loth, in so doubtful a Case, to charge any Person with an Obligation of Restitution; for notwithstanding all that I have said in Answer to your Arguments, I have seen so much that hath been pleaded in defence of the Lawfulness of Usury, as would make me very loth to put any Man upon restoring what he hath receiv'd this way. 'Tis a known Maxim, *Melior est conditio possidentis*; and I see no sufficient Reason to move any Person to Restitution in this case, tho he be not altogether so well satisfy'd in what he has as he would desire, if it do not appear to him to have been unlawful Gain. But this is the *Issue* I am willing to bring this Dispute unto, whether in reference to the time to come (for I would rather look forward in such uncertain and doubtful matters than backward) I say, whether for the future any Man that considers what hath been before-mention'd, will not act more advisedly in having nothing to do with this way of dealing. And the rather, because tho he boggle not at it now, yet his Conscience may hereafter sit more uneasie than he thinks of at present, if he do adventure on it upon such uncertain Resolutions, as those are which I have above taken notice of. One says Usury was forbidden *only to the Poor*. Another says, 'twas forbidden to the Poor and Rich that were *Jews*, but *only to the Jews* among themselves. A third says, 'twas not all kind of Usury that was forbidden to any, but *only biting Usury*. And the Resolutions are as uncertain how to understand when it is biting, and when it is not biting. One says, 'tis not biting if it do not exceed what the Law of the Land allows; and yet the Law itself says, that nothing therein contained shall be construed or expounded to allow of the practice of Usury in point of Religion or Conscience. Another says, 'tis the safest course for him that puts out his Money, not to require all that he may by Law, but to keep within that which the Law permits. A third says, He that lends his Money, should be (as far as morally he can be) sure that he who pays him this Use, be able to do it without eating out, or hurting himself, but that he makes greater gain of it himself: and if either by misadventure, or by his own neglect, it be

other.

otherwise, 'tis the safest course to forbear the Interest, and that in matters of this nature it is his duty to take the safest. A fourth says, The Borrower's Gain must be so much more at least as the Interest he pays. A fifth says, The Lender must purpose and intend privately with himself to share in the loss of the Principal, if it happen to miscarry in the Borrowers hands. We see, they who had a mind to say something in defence of some kind of Usury, have made such Parings and Mincings of it, that a Man will do better, I should think, in all respects to let it alone altogether. And if any Person will undertake to make it appear that this is not a Man's wisest way, and that he shall not by so doing consult the Ease and Quiet of his Conscience best; I shall be very glad to see any thing more rationally pleaded by him, than what I have offer'd; for I wish nothing more in this matter than the clear Determination of it, which way soever it shall fall.

And now, Sir, I think it high time to draw to a Conclusion. The like Consideration that inclin'd you to animadvert with so much Freedom on the Writings of others, may excuse me to you for making these Observations on your own. I am altogether an Enemy to that Censoriousness you write against, being willing to joyn heartily with you therein; and desire, in all humble and deep Sense of my own weak and slender Apprehensions, to esteem and honour all good People whatsoever, whether they be of the same Perswasion with my self or no, either in this or any other matter. For which Reason I may with the greater Assurance desire of you the like measure again, who am

*Yours, &c.*

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**FINIS.**